

***Ellington Broadcasting***

***P.O. Box 617  
Webb, MS 38966  
Tel: 662-375-2654***

December 28, 2016

Federal Communications Commission  
Media Bureau  
445 12th Street, SW  
Washington, DC 20554

Dear Sir:

This letter should be considered an official complaint being filed within the 60 day window as stated in the Commission's rules 76.61(a)(5) against cable television provider NewWave Communications for failure to respond to a Must Carry request by David Ellington, owner of WHCQ-LD. The community of license for WHCQ-LD is Cleveland, Mississippi. WHCQ-LD is a qualified LPTV station seeking Must Carry on NewWave Communications' cable system located in Leland, Mississippi.

A USPS certified Must Carry request letter dated September 28, 2016 was sent to NewWave Communications located at One Montgomery Plaza, 4<sup>th</sup> Floor, Sikeston, Missouri 63801. This letter was delivered and signed for by a NewWave Communications representative on October 3, 2016. Please note that a certificate of service showing a USPS receipt for the must carry letter is attached to this complaint (Attachment #1). Also, the original Must Carry request letter that was received by NewWave on October 3, 2016 is attached to this complaint. (Attachment #2).

After giving ample time, NewWave Communications has failed to respond to the Must Carry request that they received on October 3, 2016 from David Ellington. Consequently, as owner of the station, I am filing this complaint for WHCQ-LD against NewWave Communications for failure to respond within 30 days as stated in the Commission's rules 76.61(a)(2).

Therefore, as stated in the Commission's rules 76.61(a)(4), I request that the FCC require NewWave Communications to proceed immediately to carry LPTV station WHCQ-LD on the NewWave Leland, Mississippi cable system.

Note: A copy of this complaint has been sent to NewWave Communications headquarters and a certificate of service for this mailing is included as Attachment #3.

Sincerely,  
David Ellington  
Ellington Broadcasting

Attachment #1

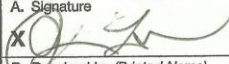
CERTIFICATE OF SERVICE

I hereby certify that a Must Carry request letter sent to NewWave Communications headquarters located in Sikeston, Missouri was sent by USPS Certified Mail. The letter was delivered and signed for by a NewWave Communications representative on October 3, 2016 at NewWave Communications headquarters.

The Return Receipt sent back to me is shown below.

Signature: David Ellington

David Ellington

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature </p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10/3/16</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>1. Article Addressed to:</p> <p>NewWave Communications GM One Montgomery Plaza 4th Floor Sikeston, MO 63801</p> <p>9590 9402 1970 6123 0849 60</p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr></table> <p>Restricted Delivery</p>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (Transfer from service label)</p> <p>7016 0340 0000 4351 5931</p>													
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>													

## Attachment #2

### **Ellington Broadcasting**

**P.O. Box 617  
Webb, MS 38966  
Tel: 662-375-2654**

September 28, 2016

NewWave Communications  
General Manager  
One Montgomery Plaza, 4th Floor  
Sikeston, MO 63801

Dear Manager,

This letter should be considered a formal request for cable must-carry of low power television station WHCQ-LD Channel 9 broadcasting from Cleveland, Mississippi. As the owner of qualifying LPTV station WHCQ-LD, I request cable must-carry of WHCQ-LD on NewWave Communications Cable TV System serving Leland, Mississippi. Please note that this is our second attempt to reach NewWave Communications in Leland, MS by certified USPS. Our first certified mail attempt sent to your Leland office was returned on Sept. 26, 2016.

I further request that WHCQ-LD be carried on cable channel 8 which is the virtual channel for WHCQ-LD. WHCQ-LD qualifies for must-carry on the NewWave Communications system in Leland, MS, because it meets all of the FCC must-carry criteria listed under Title 47 of the Code of Federal Regulations listed below.

1. *WHCQ-LD broadcast 24 hours a day, 7 days a week from Cleveland, Mississippi. The city of license for WHCQ-LD is Cleveland, Mississippi.*
2. *WHCQ-LD meets all obligations and requirements applicable to full power television broadcast stations under part 73 of the Code of Federal Regulations with respect to nonentertainment programming; programming and rates involving political candidates, election issues, controversial issues of public importance, editorials, and personal attacks; programming for children; and equal employment opportunity. WHCQ-LD provides programming addressing local news and information needs not being adequately served by full-power television stations, because such full-power stations are distant from WHCQ-LD's community of license.*
3. *WHCQ-LD complies with interference regulations consistent with Part 74 of the Code of Federal Regulations.*
4. *WHCQ-LD is located no more than 35 miles from the cable system headend and delivers an over the air signal of good quality.*
5. *The community of license of WHCQ-LD and the franchise area of the cable system are both located outside of the largest 160 Metropolitan Statistical Areas.*
6. *There is no full power television broadcast station licensed to any community within the county served by the cable system.*

WHCQ-LD is the "My Network TV" affiliate serving the Mississippi Delta. I am sure your subscribers will appreciate having a new local station on their cable channel lineup. I look forward to hearing from you soon about this very important and serious matter.

Sincerely,

David Ellington  
Owner, WHCQ-LD

Attachment #3

CERTIFICATE OF SERVICE

I hereby certify that a copy of my Must Carry request complaint has been sent to NewWave Communications headquarters located at One Montgomery Plaza, 4<sup>th</sup> floor in Sikeston, Missouri. It was sent by USPS Certified Mail on December 28, 2016 as shown below.

Signature: David Ellington

David Ellington

7016 0340 0000 4351 6075

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
OFFICIAL USE	
Certified Mail Fee	\$ 3.30
Extra Services & Fees (check box, add fees as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.10
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 10.89
Total Postage and Fees	\$ 16.89
Sent To	NEWWAVE COMMUNICATIONS
Street and Apt. No., or PO Box No.	ONE MONTGOMERY PLAZA 4TH FLOOR
City, State, ZIP+4®	SIKESTON, MO 63801
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Postmark  
DEC 28 2016  
USPS